

Meeting of 1999-5-11 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 11, 1999 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager

John Vincent, City Attorney Brenda Smith, City Clerk

The meeting was called to order at 6:25 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
Richard Williams, Ward Two
Glenn Devine, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: None.

PRESENTATION OF HUMAN RIGHTS & RELATIONS COMMISSION REPORT

Bobbie Whitson, Commission Chairperson, said the report was provided in the folder and asked if there were questions. There were none.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF APRIL 27 AND SPECIAL MEETING OF MAY 3, 1999.

MOVED by Warren, SECOND by Haywood, for approval of the Minutes. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Melvin Fagan, 1610 SE Clover Lane, said he was a 48 year resident of Lawton and retired military, and was present to talk about the City's codes on taxi cabs and that fellow cab drivers were in the audience. He said the City passed a code that all cab companies would pick a color for their cabs to be painted, and that all of the companies had picked this color. Fagan said the code provides that all vehicles operating under currently issued certificates shall be repainted to the common color scheme prior to April 30, 1999. He said he was employed by Busy Bee Cab Company, which is also the Safety Cab Company, Radio Cab Company, Yellow Cab Company and Checker Cab Company; and in the last year, they had painted 41 taxi cabs at an individual price of \$400 for each cab driver that had to pay to get the cabs painted.

Fagan said People's Cab Company and Triple A Cab Company, at this time, have not painted a single vehicle and all are on the road operating today. He said last week the City of Lawton issued taxi permits to these taxi cabs and they do not meet City codes and should not be on the road. Fagan said that he and his fellow drivers felt if they had to pay \$400 to meet what the Council said had to be done in order for them to be able to drive in Lawton, so should everyone else.

Fagan said the code also states that mini-vans may be used as taxi cabs provided that a physical barrier is securely anchored between the luggage compartment and the rear, and that there is not a single barrier mounted in any People's van. He said he had personally seen passengers being hauled in the luggage compartment of these vans. Fagan said the code also provides that no vehicle in excess of 12 years old shall be operated as a cab, and both People's and Triple A have cabs that were not grandfathered in and were put on the cab line within the last eight months that are over 12 years old.

Fagan said they have 130 employees at their cab company and they feel that if they have to abide by the codes, so should everyone else.

Raymond McCollum said the Arts for All Festival was held last weekend, and that next Friday is the Armed Forces Parade which will begin at Cameron University at 5:30 p.m. He invited everyone to view the parade and asked that the kids not be on the streets for safety reasons.

Alan Williams, 412 NW 3rd Street, said he was a taxi driver also. He said Haywood had asked him some questions before the meeting about the cleanliness of some of the cabs. Williams said People's and Triple A Cab are not attempting to do the painting and not even putting stickers on the sides of the cabs, which is required by code also. He said a person had called Haywood about the cleanliness of the cabs and they are all just rebuilt wrecks, and you cannot get rebuilt interiors or seats for a car older than 1980. Williams said the cars are junk but that is all they have. He said he appreciated the fare increase last week but that was someone's game being played somewhere, like the people explaining the map stated the fares only changed in a couple of places and it really would not be much help. Williams said he had been coming in for almost two years with these complaints and they are still at the same place they were two years ago.

CONDUCT ELECTION OF MAYOR PRO TEM

MOVED by Shanklin, SECOND by Haywood, that G. Wayne Smith serve as Mayor Pro Tem. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

UNFINISHED BUSINESS:

Mayor Powell asked that Items 8 and 12 be pulled from the agenda.

1. Consider the following damage claim recommended for denial: James and LuAnn Powers. Exhibits: Claims Memorandum/Recommendation.

Vincent said he visited with Mr. Powers after the last Council meeting and that a complete survey of the property had been carried out and showed that the sidewalk was totally on the City's easement, and that Mr. Powers had withdrawn the claim. He recommended the claim be stricken.

Warren said he asked last time if subdivisions were required to have sidewalks. Bob Bigham, City Planner, said Chapter 21, subdivision regulations, requires sidewalks to be placed in new subdivisions only but they are not required until the building permits are issued. There is not a requirement for sidewalks in older subdivisions.

Mayor Powell said Item 1 has been stricken from the agenda.

2. Hold a public hearing and adopt resolutions declaring the structures at 2606 SW H Avenue, 2515 SW I Avenue, and 1601 SW Jefferson Avenue to be dilapidated and detrimental to the health and safety of the community. Authorize the expenditure of CDBG Funds, if necessary, to demolish the structures. Exhibits: Resolution Nos. 99-49; 99-50; and 99-51.

Dan Tucker, Code Administration Director, said that on January 12, 1999, the Council had tabled ten requests for demolition until a revised demolition process could be established. Of those ten, these three properties fit into the revised demolition procedure.

2606 SW H AVENUE:

Tucker said 2606 SW H Avenue has not been occupied since 1990, based on the utility account information. He said the owner lives out of town and the property, while secured, does continue to deteriorate. Video of the property was presented. He said the property consists of a main structure, and a garage or accessory building, so there are two structures on the property. Williams asked if anyone had looked in the storm cellar. Tucker said it has water in it and will have to be removed.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was recessed.

Purcell said the resolution provides 15 days for the owner to get a permit to remove only, and if the permit is not obtained in 15 days, the City will remove the structures. Vincent said yes, the City will have it completed within 90 days. Purcell asked how long the owner would have to remove the structure if he obtains the permit and Vincent said four weeks. Purcell said the resolution does not provide for issuance of a remodeling permit. Vincent said under the revised procedure there is no ability to remodel, and that has to be worked out when they get their first notice from Code Administration, and if they get it worked out then, it will not come to Council.

MOVED by Smith, SECOND by Purcell, for approval of Resolution No. 99-49. AYE: Warren, Smith, Williams, Devine,

Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-49

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the building be demolished and removed.

2606 SW H Avenue; Sunset Place Addition, Block 12, Lots 5 & 6, Comanche County, Lawton, OK

Title Holders: James Kirby Mitchell, % Francis Rogers

2515 SW I AVENUE:

Tucker presented video of the structure. He said when the property was initially brought to Council it contained a dilapidated mobile home, which has since been removed, and the only building remaining is the open accessory structure. There is no main structure on the lot.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was recessed.

MOVED by Purcell, SECOND by Smith, to approve Resolution No. 99-50.

Beller asked if a response was received regarding serving notice on the title holders. Tucker said the response was received but the item was due before that time. Tucker said the persons signed for the notice on May 1 in Mississippi. Beller said today would just make the ten days and it seemed they would not have had a chance to respond. Vincent said we can either post the property, publish notice in the newspaper, or send them a written notice, and we do both the posting and written notice; posting was done April 29, so the notice requirement was met by both of those methods. Tucker said notice was also provided last January.

Beller said it is only one small, shed-like structure and someone may bid \$3,000 to \$5,000 to tear it down, and it would be placed as a lien on the property, and the owners probably do not have the ability to pay for it. Shanklin said the owner should know the condition of the property, whether they live in Lawton or not.

Williams asked if the mobile home had been previously removed. Tucker said yes, when it came forward in January it was for the mobile home, and the accessory structure was a side issue. Beller asked who got the permit to remove the mobile home. Tucker said permits are not required to remove mobile homes. Williams said it seemed that someone knew the mobile home had some value so they removed it and just left the shed.

VOTE ON MOTION: AYE: Smith, Williams, Devine, Purcell, Shanklin, Haywood, Warren. NAY: Beller. MOTION CARRIED.

(Title only) Resolution No. 99-50

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the building be demolished and removed.

2515 SW I Avenue; Sunset Place Addition, Block 11, Lots 35 & 36, Comanche County, Lawton, OK

Title Holders: Cornell Johnson, Jr.

1601 SW JEFFERSON AVENUE:

Tucker presented video of the structure and said it was in the process of being torn down without a permit. The owner indicated to staff that he would like for Council to condemn what remains of it; the majority has been removed and there are a few standing walls remaining, as well as some debris.

Beller asked if the owner asked that the City demolish it. Tucker said no. Beller asked what happens after the City condemns it. Tucker said once it is condemned, the property owner has two weeks to come in and get a permit to demolish it and then four weeks to complete that demolition. Tucker said the reason for the request is that Council, in an attempt to have the owners remove their own condemned buildings, provided the benefit of a reduced rate at the landfill on the tipping fees. Vincent said use of CDBG funds is another possible benefit.

Haywood asked if the owner received a permit to demolish the house. Tucker said no, and when he was told that a permit was required, he stopped work at that time and was very cooperative. Shanklin said staff informed him of the options, which were to his benefit.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Williams, SECOND by Devine, to approve Resolution No. 99-51. AYE: Williams, Devine, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-51

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of

the community, and ordering that the building be demolished and removed.
1601 SW Jefferson Avenue; Lawton View Addition, Block 17, Lot 32, Comanche County, Lawton, OK
Title Holders: George C. Rogers, Jr.

Shanklin asked if Council had revised the demolition rules on who qualifies for demolition. Tucker said yes, if the cost to repair the property would exceed 50% of the value. Vincent said the 50% is in the City Code and has been in there at least for the last two years. Tucker said it was in the Code before but people had been allowed to remodel the structures if they so desired, regardless of cost, but that he had been told that it exceeded the 50% value that the property owner has no option except demolishing it. Shanklin asked if the 50% is determined by the owner or by staff. Tucker said he was using the assessed value from the County Assessor's office, as well as a figure per square foot for average remodeling, and those brought forward tonight are very low in value on the Assessor's list. Shanklin asked how that would work with accessory structures and whether they can do anything to cause them to be brought to code. Tucker said the Assessor's office will provide an assessment on accessory structures. Shanklin asked if this was the first time we had done these in this manner and Tucker said yes.

Shanklin asked if Tucker's staff could decide if an apartment building could be used for storage. Tucker said if a person wished to convert an apartment to storage, and it meets the requirements for storage and you take care of those things that made it an apartment, such as properly sealing the sewer and removing the electrical, if needed, then it can be done. Shanklin asked if that had always been in the statute or code. Tucker said it is not spelled out. Shanklin said it is a staff interpretation and Tucker said yes.

Beller asked if the electrical had to be removed to use a building for storage. Tucker said in some instances the electrical service to a building may be deteriorated to the point that it cannot safely be used. Beller asked if it could be used for storage and still have electricity if it was in proper working order and Tucker said yes. Shanklin said they have to remove the plumbing and Tucker said yes.

BUSINESS ITEMS:

3. Hold a public hearing and adopt a resolution declaring the structure at 514 NW 58th Street to be dilapidated and detrimental to the health and safety of the community. Authorize the expenditure of CDBG Funds, if necessary, to demolish the structure. Exhibits: Resolution No. 99-52.

Tucker presented a video of the property. He said the property has been vacant for a long time and without water service since 1990. An attempt was made to contact the owner last July and that was not successful. The structure had been boarded and secured by the City, as well as mowing the grass. In December 1998, a fire occurred at the building and an arson investigation was conducted. The Fire Marshall shared a good address for the owner and a notice was mailed to the owner informing him of this hearing.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren, SECOND by Smith, to approve Resolution No. 99-52. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-52

A resolution determining a certain structure to be dilapidated and detrimental to the health, benefit, and welfare of the community, and ordering that the building be demolished and removed.

514 NW 58th Street; Country Club West Addition, Block 12, Lot 7, Comanche County, Lawton, OK

Title Holders: Jacky E. Hooks

Baker said there are a number of properties awaiting condemnation action and a special meeting may be needed.

4. Hold a public hearing and consider adopting a resolution for removing 804 SW 4th Street from the condemnation list. Exhibits: Resolution No. 99-53.

Tucker presented a video of the property, which was condemned by Council on March 10, 1998. He said one of the interest holders requested a remodel permit, which was issued in November and expired May 7, 1999. Tucker said Eddie Barbee asked if it would be possible for him to obtain the property for use as a single family mobile home site, leaving the concrete slab in place and sit a trailer on it, and Barbee appeared at the last Council meeting asking that it be considered tonight. Tucker said his recommendation was to not remove the property from the condemnation list because at the time the agenda item was submitted, Barbee had not submitted a plan of action, but that Barbee had since provided drawings showing the placement and things he proposed to do, such as leaving the garage, which is structurally sound. Barbee plans to leave the cinder block wall on the east side as a privacy screening wall and leave the concrete on the ground for the mobile home pad, and to put in the proper driveway, which has always been gravel. Tucker said Barbee asked about a building permit yesterday and was told to wait until Council action tonight. Tucker said he had no problem with Barbee's request if the work is carried out as proposed.

Beller asked if a building permit could be issued tomorrow and Tucker said yes, and it would be valid for 180 days. Purcell said the debris shown on the video could be allowed to remain for 179 days, and on the 180th day, it has to be removed, or the trailer could be moved in within the last 30 days of the permit. Tucker said something must be done within the first 30 days or it invalidates the permit, but there is not a definition as to what that is. Tucker said further into the video, it showed Barbee removing block and other items. Purcell said the mess has been there for well over a year, it could remain another six months if this request is approved, and Council could be going through this procedure again after that six months, and that he could not support that.

Beller said Barbee's track record is not too good, and that he felt it would be up to Barbee to see that this does not drag out. He said he would like to see the opportunity provided for Barbee to take action in a timely manner.

Williams asked who owned the property. Tucker said it is owned by Milton Burk; when the first notice was sent, it was owned by J.C. Swallow, and at that time, Clarence Williams addressed Council and it then transferred to Mr. Burk, and the building permit that expired last week was in Mr. Burk's name. Tucker said he did not know if there had been any transaction between Barbee and the property owner. Williams said that information is needed.

Shanklin asked what kind of trailer Barbee planned to put on the property. Tucker said the trailer permit only requires the dimensions. Beller said Barbee's son lives across the street, and Barbee's wife takes care of the son's children.

Devine asked if Council could shorten the 180 days for the work. Vincent said 180 days is specified in the City Code for remodeling permits, and Council can change the code. Vincent asked if there was an opportunity to extend the 180 days. Tucker said they cannot extend the permit, but if it is substantially complete and in an acceptable condition to the community, they would consider issuing a second permit. Tucker said Barbee had talked about this a lot over the past two weeks and expressed a commitment to getting the site done.

Williams asked if the information Barbee submitted met the requirements to get a building permit. Tucker said yes.

PUBLIC HEARING OPENED.

The following is inserted verbatim for the record:

I'm Eddie Barbee. My boy has purchased this piece of property and we want to move my trailer in there to where we're across the street from the daughter because my dad is 93 years old, he lives with us and we have to fix his meals in the morning and take his lunch to him at noon and everything. This would stop a 12 mile a day drive and give us some help to where we're not tied down with him every day, we could leave town and the daughter could take care of the, of him for us. I would like to make the request on this. The main thing keeping me from putting my trailer in there is the driveway has to be poured before I can get electricity. If we can make an arrangement on this, a variance on this to where that I can go ahead and clear it off and sit my trailer in there and set it up and hook it up and then pour my driveway within the time of the permit, I'll have the trailer on there and hooked up by the first of the month and have the lot cleaned up. I've been involved in this for two weeks and to put everything together to try to purchase the land and to do what the City, put the package together for the City.

Mayor Powell: OK, questions of Mr. Barbee while he's here please.

Haywood: Mr. Barbee, how long is this going to take you to clean the land up?

Barbee: I'll have it cleaned up and a trailer on there by the first of the month if we can make arrangements where I can pour the driveway after I get the trailer in there instead of before.

Haywood: This is May the 11th.

Barbee: Yes.

Mayor Powell: What is your reason for wanting to pour that after you put that trailer there, is there some, you can't get it in if you've got the driveway there, or

Barbee: I can get it in but it's the expense on it. I would rather spend the expense to go ahead and get my trailer in there and get it hooked up and then pour the driveway, instead of pouring the driveway first and then having to, you know, and then bringing my trailer in.

Shanklin: Eddie, I've followed you a many a mile and you know that. Is this trailer going to meet code?

Barbee: Yes, it's 14 by 80, three bedrooms, two full baths, 81 model.

Shanklin: Not going to be any arguments with that over the code?

Barbee: As far as I know, we've worked everything out. The only question on the paperwork was to make sure that the driveway was out of the sight triangle.

Shanklin: Well, Eddie, I'm going to go with you, but don't tell me you're going to have it done in 30 days and four months later you haven't done anything because you're going to make us look bad.

Barbee: If we can make arrangements...

Shanklin: What kind of arrangements?

Barbee: On the driveway to where I can get my electricity hooked up without having a driveway poured, see, this is one of the deals, if it's during the winter, while the weather's bad, up until April, you can get three months to pour your driveway, go ahead and get your electricity and get temporary service on it. Now, this is the summer, and they don't allow that, but if

Shanklin: Is that in the code, Mr. Tucker, or is that our interpretation?

Tucker: No sir, it's in there dealing with the freezing of concrete, that's the reason for the 15 October to 15 April. One of the reasons that we require the driveway to go in first is once we get the trailer set and the electric and everything to it, there's nothing else to do, no way to get that trailer fixed or to cause the driveway to go in. At the end of this 180 days, if the driveway is not in, it's just not in. I will again say that there's been a lot of cooperation expressed that was going to happen.

Mayor: Ok, Bob, is that all you have?

Shanklin: Yes, I just want to believe you, Eddie.

Barbee: I need it bad.

Mayor: Ok, Mr. Purcell.

Purcell: I've got a question of Mr. Barbee. You just said that your son owns the property. He owns the property as of today?

Barbee: He is buying the property.

Purcell: Wait a minute, that's not what I asked you. He owns the property as of today?

Barbee: We do have a contract on it and everything.

Purcell: I'm going to ask you one more time. You have a contract, he's going to buy it, but he does not own it...

Barbee: We have purchased it.

Purcell: You have purchased it as of today, he is the legal owner as of today?

Barbee: As of a week ago.

Beller: Don't get yourself in a trap here now. Has it been filed with the recorder or something?

Barbee: It's been legally purchased. Before we can get the trailer permit, I have to present them with a deed signed and recorded over there at the courthouse.

Beller: He says is it today? Does your son own that property lock, stock and barrel, clear today?

Barbee: He has purchased it, paid the down payment on it, and is set up to make payments on it.

Beller: That ain't the question is it.

Purcell: No, see that's the problem. Now if all the sudden he doesn't own it, then Mr. Barbee is not going to be able to do this work because it legally isn't his and we're going to extend it, he won't get it done, we're going to go through this again.

Vincent: Let me ask the question again. Mr. Barbee, whose name is the deed in on this lot today?

Barbee: The one that's recorded is still in Milton Burk's name but we have the other deed that we have not got recorded.

Vincent: It's been signed by Mr. Burk and you just haven't recorded it?

Barbee: No sir, we haven't.

Mayor: Mr. Williams.

Williams: The action that we're looking at tonight is just removing this from the condemnation list and I could support that action but I don't think I could support allowing the trailer to be moved in prior to having the driveway installed, but I could support removing it off the condemnation list.

Barbee: When you do the deal to take it off the condemnation list, you can't put it in there that if the driveway is not done within the time frame that the City can go back in there or something?

Williams: I don't know.

Barbee: This would just expedite me in being able to get in there. The driveway's going to cost a few hundred dollars and I was trying to get out of spending that money right now.

Mayor: Mr. Smith.

Smith: Why don't we table this for 30 days and see what Mr. Barbee's intentions are at the end of 30 days, see what he's accomplished and then we can proceed from there.

Mayor: He can't move forward on any...

Shanklin: He can't get a building permit...

Mayor: If we table this, he can't do anything, right?

Vincent: No.

Mayor: Mr. Purcell.

Purcell: I've got a question. What if it stays on the condemnation list, he's got 15 days, part of what he wants to do is condemn and remove it anyway, that's what we're saying needs to be done and if he does that, we're satisfied, is that not correct?

Vincent: OK, let me give you a little history on this. This property was originally condemned by Resolution 98-40 when Mr. Swallow owned the property and he hired an attorney, or actually Rayl Finance hired an attorney and got an injunction against us, subsequent to that, Mr. Birch bought the property and obtained a remodel permit pursuant to the court order, which expired on May the 7th. There is no way at this point, pursuant to the court order, we either remove it from the demolition list or we tear it down. Tearing it down includes removal of the slab and the garage structure.

Mayor: OK, any other questions of Mr. Barbee while he's at the podium? OK, thank you very much, Mr. Barbee. Would anyone else like to come forward at this time and address this address? At this time I am going to close the public hearing. Desire of the Council please. This will be Resolution Number 99-53.

Beller: Mayor, at this time I'd like to move for approval of Resolution No. 99-53 to remove 804 SW 4th Street from the condemnation list.

Williams: Second.

Mayor: We have a motion on the floor for removal and also a second of 804 SW 4th Street, will be Resolution No. 99-53. Any discussion? Brenda, please. (end verbatim record)

VOTE ON MOTION: AYE: Shanklin, Beller, Haywood, Warren, Williams, Devine. NAY: Purcell, Smith. MOTION CARRIED.

(Title only) Resolution No. 99-53

A resolution rescinding Resolution No. 98-40 condemning the structure at 804 SW 4th Street, Lawton, Oklahoma.

5. Hold a public hearing and consider authorizing the Parks & Recreation Department to appropriately dispose of designated park land and open space areas previously considered for disposition. Exhibits: Parks Listing with Recommended Action.

Gary Salva, Parks & Recreation Director, said in July 1998 a list was developed for disposition of park land including 14 different sites. At that time, Council tabled discussion for 90 days to allow properties to be posted so people could respond to the fact that the property was being considered for disposal. In November 1998, the acting director notified Council that the properties had not yet been posted, and the postings were done at that time. Salva said he was provided the property list in March when he began work with the City, and that he and Danny Nottingham had evaluated the list based on recreational and open space value. He said some letters and comments from the public have been received in this regard.

Salva said some of the properties on the list had already been turned over to the school district, so the list was shortened quite a bit. He said staff recommendation was to maintain most of the parks on the list because they do have a value and that public comment supported that recommendation. Salva said the parks they are suggesting be disposed of are #25 (Military Park, 17th and Lindy, .01 acres) and #67 (North Legion Park, 700 NE Carver, .9 acres). He said the Assistant City Manager asked today that #18, the park at NW 33rd and Atlanta, be retained by the City as a park.

Smith asked why Military Park, which is only .01 acres, would not be retained as a park, rather than go through the expense of surveying it to determine easements to keep and have six inches of land on either side of a set line to give away. Williams asked if that property was in the back yard of a house. Salva said yes, it is used as a vegetable garden. Salva said the two parcels they were suggesting be disposed of would not affect the maintenance budget at all, and that this particular parcel has no recreational value, but that he could not comment on what other value it might have. Baker said he saw no advantage in disposing of Military Park because by the time the City retained the sewer easement, it would take up most of the property and it would not be worth the administrative time and effort to dispose of that parcel. Baker said the only park he recommended disposing of would be the North Legion Park.

Haywood said Legion Park is on the east side and the sign was on the west side of the road. He asked why the sign was on the west side of the road. Danny Nottingham, Park Superintendent, agreed it was on the wrong side of the road. Mayor Powell said we advertised the wrong property then and it should be corrected. Warren said it seemed there was only one property that everyone agreed should be disposed of and it was mislabeled, so the City should just back off of and decide it was a good idea that did not work. Warren said an acre is not enough land to repost and go through this again and that public reaction would likely be to retain it anyway.

Williams said Park #65 at 19th and Irwin is a big corner lot that is three blocks away from H.C. King and two blocks away from Taft School, and the notes say to retain for future development, possible basketball court and parking lot. He said the goals had all been taken down from the basketball courts in Ward 2 and that he did not know why. Salva said the goals were taken down due to complaints from the homeowners in the area regarding nightly play and possible abuse of the park, fights, and so forth. Salva said there is a shortage of basketball courts in the City, and this site is conducive, at very little expense, to have a basketball court and could handle a small parking lot very easily. Williams said there is a need for the facilities, and if a net could be put up, residents could play tennis at the facilities. Warren asked what the appropriate motion would be to make the item die and Vincent said a motion to take no action.

MOVED by Warren, SECOND by Devine, to take no action on this item. AYE: Shanklin, Beller, Haywood, Warren, Williams, Devine, Purcell. NAY: None. OUT: Smith. MOTION CARRIED.

6. Hold a public hearing and consider an ordinance amending the 2020 Land Use Plan from Industrial to Residential-Multi Family and a change of zoning from R-1 (Single-Family Dwelling District) to R-4 (High Density Apartment District) zoning classification located at 2602 SW Sheridan Road. Exhibits: Ordinance No. 99-23; Location Map; Site Plan; Applications; Analysis prepared by Assistant Planning Director; Memorandum from Transportation Planner II; Memorandum from Traffic/Civil Engineer; LMAPC Minutes.

Bob Bigham, City Planner, said the applicant is the Great Plains Improvement Foundation, and the tract is owned by Leonard Payne, who also signed the rezoning application. He presented a map of the 3.9 acre tract and pointed out S Sheridan Road, Bishop Road, and Bishop School as reference points. LMAPC, on April 14, held a public hearing on the request; two persons spoke in favor of the request and LMAPC by a 7-0 vote, with one abstention, approved a resolution amending the Land Use Plan and the rezoning application. Seven property owners within 400 feet were notified of this public hearing and no replies have been received. Bigham said the reason for the request is for construction of a 56 unit apartment complex.

PUBLIC HEARING OPENED.

O'Dell Gunter, GPIF Director, spoke in favor of the request. He said the apartment complex is a tax credit project and is contingent upon approval of that application in June. GPIF is the developer.

Williams asked if this was the same project that was originally planned for S 11th Street and Gunter said yes.

PUBLIC HEARING CLOSED.

Purcell asked when the 2025 Land Use Plan would be presented. Bigham said the LMAPC has established a subcommittee in this regard and that the update would be presented next year, which is the required time frame.

MOVED by Haywood, SECOND by Shanklin, to approve Ordinance No. 99-23 changing the zoning from R-1 to R-4, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 99-23

An ordinance amending the 2020 Land Use Plan from Industrial to Residential-Multi Family and changing the zoning classification from the existing classification of R-1 (Single Family Dwelling District) to R-4 (High Density Apartment District) zoning classification on the tract of land which is hereinafter more particularly described in Section Two (2) hereof; authorizing changes to be made in the 2020 Land Use Plan and upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None.
MOTION CARRIED.

7. Hold a public hearing and consider an ordinance amending the 2020 Land Use Plan from Residential-Multi Family to Commercial and Office and changing the zoning from R-4 (High Density Apartment District) to C-5 (General Commercial District) zoning classification located at 2010 NW Lindy. Exhibits: Ordinance No. 99-24; Location Map; Site Plan; Applications; Analysis prepared by Assistant Planning Director; Memorandum from Transportation Planner II; Memorandum from Traffic/Civil Engineer; LMAPC Minutes.

Bigham said the tract in question is 50 x 135 feet and he pointed out the location on a view graph map. Property is owned by Anna Taylor, Eddie Brooks and Louella McAfee. The purpose of the request is for construction of a Dollar General Store. LMAPC, on April 14, considered the request. The original application was to rezone a larger area, which would have been the east 260 feet of the block. During the public hearing, two persons spoke in favor of the request, one person spoke against the request for the entire area but not the smaller area, and one person spoke against the request totally. LMAPC unanimously approved the resolution amending the 2020 Land Use Plan for the 50 x 135 foot tract to commercial and the rezoning to C-5 to allow for this development. Notice of public hearing was mailed to 36 property owners within 300 feet of the requested area.

Beller asked if the tract is vacant. Bigham said the east half of the lot is vacant and the site plan reflects that the Dollar General Store will require the 50 x 135 foot area.

PUBLIC HEARING OPENED.

Bill Evans, Keystone Properties, said they were excited about the third site in Lawton and this will be the second new store; another store was relocated and sales have gone up dramatically, which in turn offers sales tax benefits to the community. He said they were glad to be on the North Sheridan corridor with a new building.

PUBLIC HEARING CLOSED.

MOVED by Williams, SECOND by Smith, to approve Ordinance No. 99-24, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 99-24

An ordinance amending the 2020 Land Use Plan from Residential Multi Family to Commercial and Office and changing the zoning classification from the existing classification of R-4 (High Density Apartment District) to C-5 (General Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section Two (2) hereof; authorizing changes to be made in the 2020 Land Use Plan and upon the Official Zoning Map in accordance with this ordinance.

VOTE ON MOTION: AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None.
MOTION CARRIED.

8. Consider a request from The Ambassador/Diplomat Apartments for City's support of its application for grants through the New Approach grant program. Exhibits: Letters from Ambassador/Diplomat Apartments dated 4/23/99 and 4/30/99; Memorandum from Police Chief dated 5/3/99.

This item was pulled from the agenda earlier in the meeting.

10. Consider accepting a gift from the McMahon Foundation providing for the installation of underground utilities and additional decorative lighting in the McMahon Auditorium, Museum of the Great Plains vicinity. Exhibits: Letter from McMahon Foundation dated 5/4/99; Letters from PSO dated 4/14/99 and 3/17/99.

Baker said a letter was received from Dr. Graybill, McMahon Foundation Chairman, advising that the Foundation had approved grant funding to the City to install underground electrical service to the McMahon Memorial Auditorium and the Museum of the Great Plains. In addition, the Foundation approved funds to install decorative lighting that would be located between those two facilities, which will include four lights. Total cost to the Foundation will be \$43,741 and there is no requirement for a match from the City. The total additional cost to the City will be simply the payment of electrical costs for the four additional lights of approximately \$14.95 per month. Baker recommended acceptance of this generous donation from the McMahon Foundation as it will improve the area significantly.

MOVED by Shanklin, SECOND by Haywood, to accept this generous gift. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

Mayor Powell thanked Dr. and Mrs. Graybill for being present and for what the McMahon Foundation does not only for the City of Lawton, but also for the Lawton Public Schools, and for many other worthy causes.

9. Consider approving an agreement with the Board of Commissioners of Comanche County to submit a joint application for Juvenile Accountability Block Grant Funds. Exhibits: Letter dated 12/18/98 to Office of Juvenile Affairs; Letter dated 4/8/99 to Comanche County Juvenile Bureau; Letter dated 4/27/99 from Comanche County Juvenile Bureau; Draft Agreement.

Baker said in December 1998 the City and County were notified that grant funds were available through this program, and the City was eligible to receive \$30,752 and the County \$8,986. The City was not in a position to accept the grant funds as there were no programs planned or in place as the County handles this through the Juvenile Bureau and District Court. The County asked that the City partner with them to try to take advantage of these funds for the benefit of the young people of Lawton and Fort Sill. The County has a proposed agreement and is willing to pay all of the matching funds so there would be no cost to the City. Baker recommended approval of the agreement so the funding could be obtained for the community. Rick Lowe, Juvenile Bureau Director, was present to answer questions.

MOVED by Haywood, SECOND by Warren, for approval of the item as recommended. AYE: Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren. NAY: None. MOTION CARRIED.

11. Consider adopting an ordinance amending Chapter 10, Section 10-101, Lawton City Code, 1995, by adding a new subparagraph relating to the purchase of data processing equipment and software and providing for severability and declaring an emergency. Exhibits: Ordinance No. 99-25.

Doug Wells, Information Services Director, said that computer equipment changes so rapidly that it is difficult to contract for a period of time. The current contract was awarded last September, and by the time it was awarded, two of the computers on the contract were no longer being made. In the past, the City was allowed to buy other computers from the vendor who had the contract, but a new interpretation was that only the items listed in the contract could be purchased, and two of the three machines on the contract are no longer being made. Wells said this amendment will allow receipt of bids for any computer being sought from both local and national vendors and then awarded to the low bidder, with local vendors receiving the 5% discount or advantage. He said it is not a problem to buy one item under \$7,500, but if a series of items would exceed \$7,500, then a contract is required and the contract cannot be kept current.

Purcell asked if someone locally bid a generic product, as opposed to a brand name such as Del, Compaq, Gateway, or something like that, and that is the lowest price, will the purchase be made for the low price product. Wells said yes, but the specifications would be written to insure the machines would have the same components as a brand name product. Purcell asked about the maintenance and guarantees and if that would be impacted by this ordinance. Wells said there had been two local vendor contracts, who are now out of business, and the City had a lot of problems with the computers supplied by those vendors, and similar problems could occur. Williams asked if Council had to accept the bid. Wells said he would make a recommendation and Council could award the bid as needed and allowed. Vincent said the last specifications included four brand names and that there is nothing wrong with that. Wells said local vendors have access to those products. Purcell said those would not be generic products.

Warren said this would also correct the situation where if bids were received and awarded last August for Pentium computers at \$2,000, we can now buy the same thing on the street for \$1,500 but we are stuck at a bid for \$2,000. He said spot bids would prevent that situation.

MOVED by Williams, SECOND by Smith, to adopt Ordinance No. 99-25, declare an emergency, waive reading of the ordinance, read the title only.

(Title read by Clerk) Ordinance No. 99-25

An ordinance relating to purchases and sales, amending Chapter 10, Lawton City Code, 1995, by amending Section 10-1-101 by adding a new subparagraph "E" providing for the ability to bid data processing equipment and

software on an as needed basis, providing for severability and declaring an emergency.

VOTE ON MOTION: AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

12. Consider awarding contract for Sewer Line TV Inspection System.

This item had been pulled from the agenda earlier in the meeting.

13. Consider the appointment of Trustees to the Lawton Industrial Development Authority.

Mayor Powell read the following names: Beller, Devine, Shanklin, Purcell and Haywood. He asked if these persons would serve in this capacity and each indicated a willingness to serve. Purcell asked if Council needed to vote to approve the trustees. Vincent said it must be confirmed by the Council. Mayor Powell said background information did not state that and he hoped the City Attorney's directions were correct.

MOVED by Purcell, SECOND by Haywood, to accept the Mayor's appointments. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

ADDENDUM: Consider approving a resolution authorizing the Mayor and City Clerk to execute an agreement with the Oklahoma Department of Transportation ceding State Highway 7 from the west right-of-way line of Lee Boulevard and I-44 to the south right-of-way line of Sheridan Road and Rogers Lane to the City of Lawton. Exhibits: Resolution No. 99-54.

Vincent said the contract was prepared to accept the maintenance responsibility and jurisdiction over Highway 7, one of the State's requirements is to attach to that document a resolution authorizing the Mayor and Clerk to sign the contract, and this resolutions meets that requirement.

Shanklin asked if the State would bring the roadway up to standard or if the City was accepting it in its current condition. Vincent said he was in the process of preparing the documents to send back to Bob Rose and this is one of the requirements. Shanklin restated his question and Vincent said it was his understanding from the last meeting that the State would not be doing any work on the roadway.

Purcell said it appears that the City's portion would start at Lee and I-44, so from I-44 east to the City limits would remain the State's jurisdiction. He asked that contact by made with ODOT to begin the process of getting a light installed on Lee and Flower Mound Road before there is a really bad accident and that it has become a major road due to the prison. Purcell said the City will not be able to do it and the request should be sent to the State. Baker said he would turn in that request.

MOVED by Haywood, SECOND by Smith, to approve Resolution No. 99-54. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-54

A resolution whereby the City Council of Lawton, Oklahoma, authorized the execution of an agreement between the Oklahoma Department of Transportation and the City of Lawton for the City to assume responsibility for existing segments of State Highway 7 as such highway is continued through the corporate limits of the City of Lawton (West I-44 Interchange).

CONSENT AGENDA:

14. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for claims which are over \$400.00: Robert and Bertha Moore dba Hertz Rent-A-Car; Willie Smith; Southwestern Bell Telephone Company; and James and Melissa Wilson. Exhibits: Legal Opinions/Recommendations; Resolution Nos. 99-55; 99-56; and 99-57. (Amount of Wilson claim is \$367.07)

(Title only) Resolution No. 99-55

A resolution authorizing and directing the City Attorney to assist Hertz Rent-A-Car in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Four Hundred Fifty-Seven Dollars and 20/100s (\$457.20).

(Title only) Resolution No. 99-56

A resolution authorizing and directing the City Attorney to assist Willie Smith in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in reduced the amount of One Thousand Seven Hundred Sixty-Four Dollars and 60/100s (\$1,764.60).

(Title only) Resolution No. 99-57

A resolution authorizing and directing the City Attorney to assist Southwestern Bell Telephone Company in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of Seven Hundred Forty-Two Dollars and 29/100s (\$742.29).

15. Consider approving a resolution designating Lawton-Fort Sill Habitat for Humanity, Inc. as a Community Housing Development Organization (CHDO), and approve the operating agreement between the City of Lawton and Lawton-Fort Sill Habitat for Humanity, Inc. Exhibits: Resolution No. 99-58.

(Title only) Resolution No. 99-58

A resolution designating the Lawton-Ft. Sill Habitat for Humanity, Inc. as a Community Housing Development Organization for the Home Investment Partnerships (HOME) Program for the City of Lawton.

16. Consider issuance of a revocable permit to Glenn Oil Company for ten (10) groundwater monitoring wells located in the City rights-of-way adjacent to 106 and 108 S Sheridan Road. Exhibits: Letter of Request; Site Plan; Revocable Permit. Action: Approval of item.

17. Consider approving the record plat for Brentwood Addition, Part 2A, and accepting the improvements, escrow agreements in lieu of maintenance bonds for water and paving improvements, and a temporary easement for street turnaround. Exhibits: Plat Map. Action: Approval of item.

18. Consider approving the record plat for Skyline East Commercial Addition and accepting improvements, maintenance bond for paving, escrow agreement in lieu of maintenance bond for water and sewer improvements, cash surety for erosion control, easements outside the platted area, and a deed restriction on the private detention structure. Exhibits: Plat Map. Action: Approval of item.

19. Consider approving a lease agreement between the City and the Lawton Public Schools for designated ballfields to allow for the American Legion Baseball Program. Exhibits: Lease Agreement. Action: Approve the lease agreement between the City and the Lawton Public Schools that will allow for the continuation of the American Legion Baseball Program at the Board of Education facilities listed in the lease agreement. Facilities are: Lawton High School Baseball Field; MacArthur High School Baseball Field; MacArthur Junior High School Baseball Field; Eisenhower High School Baseball Field. To include Baseball Fields/Restroom/Concession Building.

20. Consider accepting three (3) permanent utility rights-of-way and a temporary construction easement from the Board of Education of Independent School District No. 8 in the southwest quarter of Section Thirty-Six (36), Township Two North (T-2-N), Range Twelve West (R-12-W). Exhibits: None. Action: Approval of item.

21. Consider approving a Release of Mortgage on residential property belonging to Ms. Jeon Johnson located at 4716 NW Lincoln Avenue, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. Action: Approval of item.

22. Consider a request from Ms. Nancy Bowman to allow her to pay off the balance due on her deferred HOME Homeowner Rehabilitation Loan for work done on the residence at 2323 SW Pennsylvania, Lawton, Oklahoma. Exhibits: Letter of Request. Action: Accept the payment of the due and owing balance of the deferred loan with penalty (\$2,821.78), issue a Release of Mortgage on the property located at 2323 SW Pennsylvania, and allow the homeowner to sell the property prior to the completion of the period of affordability.

23. Consider acknowledging receipt of permits for the construction of a waterline and sewer line and appurtenances from the Oklahoma State Department of Environmental Quality to serve the SW 3rd Street Water/Sewer Project, City of Lawton, Comanche County, Oklahoma. Exhibits: Map. Action: Acknowledge receipt of permit WL000016990243 and SL000016990244.

24. Consider acknowledging receipt of permit from the Oklahoma State Department of Environmental Quality for the construction of sanitary sewer lines with appurtenances to serve the City/County Health Department and Comanche County Fairgrounds. Exhibits: None. Action: Acknowledge receipt of permit SL000016990146.

25. Consider adopting a resolution authorizing the Mayor and City Clerk to execute a dam permit application for construction of the B-1 Detention Reservoir with the Oklahoma Water Resources Board. Exhibits: Resolution No. 99-59; Location Map.

(Title only) Resolution No. 99-59

A resolution whereby the City Council of Lawton, Oklahoma, authorizes the execution of a dam permit application with the Oklahoma Water Resources Board of the State of Oklahoma for construction of the B-1 Detention Reservoir, in accordance with the terms and tenor of 69 O.S. 1991, Sections 1205, 1206, 1401 and 1403.

26. Consider adopting a resolution authorizing the Mayor and City Clerk to execute an Industrial Access Road

Agreement with the Department of Transportation of the State of Oklahoma (ODOT) for the Republic Paperboard Company Project (Neal Boulevard). Exhibits: Resolution No. 99-60; Agreement.

(Title only) Resolution No. 99-60

A resolution whereby the City Council of Lawton, Oklahoma, authorizes the execution of an industrial access road agreement between the Department of Transportation of the State of Oklahoma for the Republic Paperboard Company Project (Neal Boulevard) under plans and specifications for State Aid Project No. SAP-116D(036), Job No. 17725(04), in accordance with the terms and tenor of 69 O.S. 1991, Sections 1205, 1206, 1401 and 1403.

27. Consider accepting Landfill Office Building Project 98-6 as constructed by T.P. Enterprises, Inc. and placing the maintenance bond into effect. Exhibits: Location Map. Action: Approval of item.

28. Consider accepting the NW 75th Street Upgrade Sewerline Project 98-7 SSES as constructed by Dobbs Washita Construction, Inc. and placing the maintenance bond into effect. Exhibits: None. Action: Approval of item.

29. Consider accepting the City of Lawton - Public Works Yard Underground Storage Tank Removal and Aboveground Storage Tank Installation Project No. 93-20 (Amendment 1) as completed by Legacy Services, Inc., and placing the maintenance bond into effect. Exhibits: None. Action: Approval of item.

30. Consider awarding a construction contract for the Water Treatment Plant and Lake Ellsworth Gate House Reroofing Project 99-6 to Ford Roofing and Sheet Metal Company in the amount of \$24,038.75. Exhibits: Bid Tabulation of 4/27/99. Action: Approval of item.

31. Consider authorizing application for a Department of Justice grant. Exhibits: Fact Sheet. Action: Authorize the application for the grant and authorize the Mayor to sign the necessary forms.

32. Consider entering into a contract with Mr. Robert Hadden, Jr. for fire protection outside the Lawton city limits and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approve the contract and authorize the Mayor and City Clerk to execute the contract.

33. Consider entering into a contract with Mr. Kenneth R. Harmon for fire protection outside the Lawton city limits and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approve the contract and authorize the Mayor and City Clerk to execute the contract.

34. Consider approving a contract with Nita Morris to create the International Festival poster and t-shirt artwork for the 1999 festival. Exhibits: None. Action: Approval of item.

35. Ratify Lawton Water Authority's action concerning amendment to CL-98-023 Agricultural Farming Tillage Sub-Lease Agreement for Tract 22, Lake Ellsworth. Exhibits: None. Action: Ratify Lawton Water Authority action to require payment for 98 acres for the five-year lease from Paul Hayes.

36. Consider awarding contract for Ballistic Vests. Exhibits: Recommendation; Abstract. Action: Award contract to Tuxall Uniform & Equipment.

37. Consider awarding contract for Moving Radar Units. Exhibits: Recommendation; Abstract. Action: Award contract to Kustom Signals, Inc.

38. Consider rejecting bid for Long Distance Telephone Service Inside 405 and 580 Area. Exhibits: Recommendation. Action: Reject bids.

39. Consider approving the following contract extensions: a) Herbicides with united Horticultural Supply; b) Dry Dog Food with Mt. Scott Feed & Seed; c) 12 Gauge Shotguns with Phillips Police Equipment; d) Ammunition with Precision Delta Corp. Exhibits: Fact Sheet. Action: Approval of item.

40. Consider approval of appointments to boards and commissions. Exhibits: Memorandum.

Lawton Arts & Humanities Council: Maria Pillar, Term: 5/11/99 to 6/30/20000; SGM Wallace Moore, Term: 5/11/99 to 6/30/2000

41. Consider approval of payroll for the period of May 3 through 16, 1999.

Beller said Willie Smith's correct home address is 1414-1/2 NW Williams, with regard to the damage claim item.

MOVED by Shanklin, SECOND by Smith, for approval of the Consent Agenda items as recommended. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

Warren read the following statement: "Last week we had a devastating tornado in Oklahoma City and I watched that unveil on the news, and I knew that there was something that Lawtonians would want to do to help our neighbors to the north. I was pacing the floor and mentally searching for a list of friends and acquaintances that might be able to help find a tractor trailer. My wife suggested Glen Alford and I called him and basically he said when and where do you want it parked. That was just the beginning of this experience and it proved to me that Lawtonians are the greatest and most generous people that have ever been assembled. When I arrived at the collection point the next morning, I was greeted by KSWO-TV and Magic 95 Radio personnel; throughout both days of collection these two media outlets provided the public awareness that was needed to make this collection a success. Mr. Chuck Morgan and all the remote crews from Magic 95 not only kept the collection in the minds of the listeners as they helped unload trucks and coordinate related activities, but Mr. Morgan also arranged for a Ryder truck from Freedom Cars. One Magic 95 employee, Albert Dally, stands above and beyond all the others. Albert worked not only his remote shift but through the entire day, on both days, of the collection and his effort is a shining example of what a charitable heart exists in this city.

At one point we'd filled two trucks from Glen and he was out, he didn't have any trucks, so we called American Truck Driving School and they gladly donated another truck and another driver. This brought the number of filled trucks to three 40 and 48 foot tractor trailers and one Ryder 18 foot. Naturally these things don't load themselves. I talked to Chief Barrington and he gladly had a number of officers that I won't go through and name all the firefighters that helped but hopefully the newspaper will see fit to print this. There is a whole paragraph of firefighters who came out to help load those trucks. With that many firemen, you have to have a lot of food. Many citizens just dropped by donuts and coffee. I'd like to thank all those people listed, the Burger King that provided food for the firemen, all these people just turned this into a project that was something that we all could be proud of. On a personal note, I'd like to thank City Manager Bill Baker for his help in organizing, City Clerk Brenda Smith and her staff, Sandy and Kathy, for all the help they provided in keeping up with all the incoming and outgoing messages. Lastly, and by far most importantly, I'd like to thank the citizens of Lawton who arrived with car loads, van loads, truck loads of donations, for their unselfish giving. Rich, poor and all those in between arrived and brought every item we asked for and more. The Lawtonians should pat themselves on the back and know that this was a job well done. This was a truly amazing activity with which to have been associated. Today I am proud to be an Oklahoman but more importantly, I'm proud to be a Lawtonian. I just want to tell all those people thank you and that they did a wonderful, wonderful job."

Mayor Powell thanked Warren for his efforts, as well as those who participated.

Shanklin said he had received a number of registered letters from the American Housing Foundation saying projects were planned for construction involving tax credits. He asked if the City of Lawton provides the tax credits or why they are sending the letters. Baker said no, one of the requirements is that they notify the local governmental jurisdiction of their intent, and at some point in the future, if the projects continue, they would come to Council for concurrence, but that nothing is needed with regard to the correspondence at this point. Shanklin asked if 40-45 vacancies were available in the housing unit and he said he did not know that there was a need for the projects. Purcell said the ones received so far had been outside the City limits. Shanklin said he had received one concerning property at 27th and J. Purcell said three others were outside the City limits. Warren said he felt they would request water from the City of Lawton.

Haywood said he was wearing a shirt from Edison Elementary School and he read the names on the back of the shirt as the kids had requested. He congratulated the sports team members, coaches and school personnel.

Williams said Council received a letter from the City Manager dealing with code enforcement, and a follow up letter in that regard. He said he had a little different view regarding pro-active versus re-active enforcement, and agreed to being pro-active in matters involving safety and health. Williams said on the issues of junk cars, debris, signs, parking on grass and low limbs, the Council identified these as problems in the community, but when visitors come to Lawton, there is only one opportunity to provide a good first impression. He said he felt there should be more enforcement done on the major thoroughfares in the community to put forth the best effort to make a good first impression. Williams said that was his personal opinion and that others could comment so that staff would have the proper direction.

Beller said he thought the letter was the consensus of the Council and asked if that was correct. Baker said in his opinion that was the consensus and he wrote it down and sent it to the Council asking that he be made aware if there was disagreement. Baker said one member responded and that he was open to the issue being brought forward for further discussion so he could direct the department to proceed accordingly. Beller said he did not know how to handle it other than the way Baker had suggested, although he agreed it was a problem to see an unsightly array on Gore Boulevard. Mayor Powell said if someone called his office, he would refer them to the City Manager and he sees that Code Enforcement does something about it.

Beller said the letter states something along the lines of not misconstruing this as not enforcing ordinances. He

said he was a victim of code enforcement today, receiving a note about cutting high weeds and that he did so and went back today to do the weed eating and a notice was there saying it was possible that he would be taken to court, dated today. Beller said he cut the weeds three or four days ago and the response was that they still had to post the notice. He said the weeds were high, he was guilty and had fixed it, but the policy is that if it is a noticeable thing, they would take care of it. Williams said to him the term reactive was when a citizen or council member called in a violation and we do something. Williams said he would like to see a little more emphasis placed on major thoroughfares if that is possible.

Purcell said what the City Manager had written was exactly what he had understood the consensus of the Council to be and that he agreed with it 100%. He said after the ten days, a citation must be issued and the people need to go to court and that needed to be publicized in the newspaper with a special effort, because the City does not want the money, but wants the grass to be mowed and areas cleaned up so we do not have to go out and issue the citations. Warren said that was what he understood the original idea to be when it was first discussed quite some time ago. Shanklin said he hoped the inspectors were out in the field and not in the office. Haywood said he had turned in 178 houses in Ward Seven that needed attention. Purcell said tickets should be issued upon the second visit by the inspector if the violation is still in existence.

Mayor Powell said the National Day of Prayer was a complete success and over 500 people attended. He said the media did a good job on it also.

Purcell suggested a meeting be set for next Monday or Tuesday to work on budget. Williams asked if it could be finished before the pay plan information is received. Purcell said it would not be back in time. Date was set later in the meeting.

BUSINESS ITEMS:

42. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a settlement offer made in the pending Workers' Compensation claim of Ronny Dye vs. The City of Lawton, and take appropriate action in open session. Exhibits: None.

43. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an Employment Agreement for FY 1999-2000 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session.

44. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for a Collective Bargaining Agreement for FY 1999-2000 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

45. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the periodic evaluation of employment of the City Manager. Exhibits: None.

MOVED by Warren, SECOND by Shanklin, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:10 p.m. and reconvened in regular, open session at approximately 8:50 p.m. with roll call reflecting all members present.

Vincent reported the Mayor and Council convened in executive session to consider Item 42, Ronny Dye vs. City of Lawton, workers' comp claim. He recommended approval of the settlement amount of \$5,000 and the appropriate resolution and direct authorization of the joint settlement of the workers' compensation claim.

MOVED by Williams, SECOND by Haywood, to approve Resolution No. 99-61. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

(Title only) Resolution No. 99-61

A resolution authorizing settlement of the City's subrogation interest in a pending claim filed by Ronny Dye against Jennings Construction Company and PSO and authorizing settlement of a pending workers' compensation claim filed by Ronny Dye against the City of Lawton by joint petition settlement.

Vincent reported Item 43 involved fire negotiations and that no action is required. He reported that Item 44 involved police negotiations and that no action is required. He reported that Item 45 involved the City Manager's employment evaluation and that no action is required.

Mayor Powell said Tuesday, May 18, at 5 p.m. would be the budget workshop. Baker said if they could get questions in advance, it would be helpful but it is not absolutely necessary.

Purcell said the taxi cab ordinance enforcement should be looked at because it appeared that permits were issued when they were not in compliance. Baker said he would check and see if anyone had been designated to enforce that particular code. Beller said they talked about that at their committee meetings and the Police Department appeared too busy to do inspections. Baker said he would check. Beller asked if the enforcement officer should be designated in the ordinance and Vincent said he would check.

Haywood requested something be done about the condition of the restrooms in various restaurants in town and Baker said he would report that to the Health Department.

There was no further business and the meeting adjourned at 9:00 p.m. upon motion, second and roll call vote.